

Montana State Legislature

2011 Session

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Private Land/Public Wildlife Advisory Council

Report and Recommendations



**Presented
to
Governor Brian Schweitzer
and the
62nd Legislature**

January 2011

Private Land/Public Wildlife Council – Member List – (2009 - 2011)

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COUNCIL CHARGE/PURPOSE

In 1995, a review committee (Private Land/Public Wildlife Council) was established in statute to make recommendations to the Governor regarding issues related to private land and public wildlife. The Council's statutory charge is articulated in Montana Code Annotated (MCA) 87-1-269 as follows:

"Report Required - review committee. (1) The governor shall appoint a committee of persons interested in issues related to hunters, anglers, landowners, and outfitters, including but not limited to the hunting access enhancement program, the fishing access enhancement program, landowner-hunter relations, outfitting industry issues, and other issues related to private lands and public wildlife. The committee must have broad representation of landowners, outfitters, and sportspersons. The department may provide administrative assistance as necessary to assist the review committee.

(2) (a) The review committee shall report to the governor and to the 59th legislature regarding the success of various elements of the hunting access enhancement program, including a report of annual landowner participation, the number of acres annually enrolled in the program, hunter harvest success on enrolled lands, the number of qualified applicants who were denied enrollment because of a shortfall in funding, and an accounting of program expenditures, and make suggestions for funding, modification, or improvement needed to achieve the objectives of the program.

(b) The review committee shall report to the governor and to the 59th legislature regarding the success of the fishing access enhancement program and make suggestions for funding, modification, or improvement needed to achieve the objectives of the program.

3) The director may appoint additional advisory committees that are considered necessary to assist in the implementation of the hunting access enhancement program and the fishing access enhancement program and to advise the commission regarding the development of rules implementing the hunting access enhancement program and the fishing access enhancement program."

In August, 2007, Governor Brian Schweitzer appointed 15 Council members to terms ending June 30, 2009, re-affirming the Council's charge as follows:

- a) **preserving Montana's hunting heritage;**
- b) **providing public hunting access on private and isolated public land;**
- c) **reducing landowner impacts related to public hunting access;**
- d) **providing tangible incentives to landowners who allow public hunting;**
- e) **helping outfitters stabilize their industry and improve their image.**

The PL/PW Council will work by consensus to reach decisions. A way to test whether or not the group is achieving consensus is to ask the participants how they feel about a particular proposal or option according to the following statements:

1. I can say that I **wholeheartedly agree** to the decision.
2. I find the decision **perfectly acceptable**. It is the best option available to us.
3. I can **support** the decision, although I'm not especially enthusiastic about it.
4. I do not fully agree with the decision and need to register my view about it. However, I do not choose to block the decision. **I am willing to support the decision** because I trust the wisdom of the group.
5. I do not agree with the decision and feel the need to **block** the decision from being accepted as consensus.
6. I feel we have no clear sense of unity in the group. We need to **do more work before consensus can be achieved**.

Consensus is achieved if all participants indicate that they are at levels 1-4.

When someone determines a position at 5 or 6, that person must assume the burden of clearly articulating his or her concern to the larger group, and if possible, work to develop a solution which that person can present to the group for the group's consideration. The group may continue with the procedure until consensus is achieved or the group decides to not move forward with a particular decision or recommendation.

Council Activities (2009-2010)

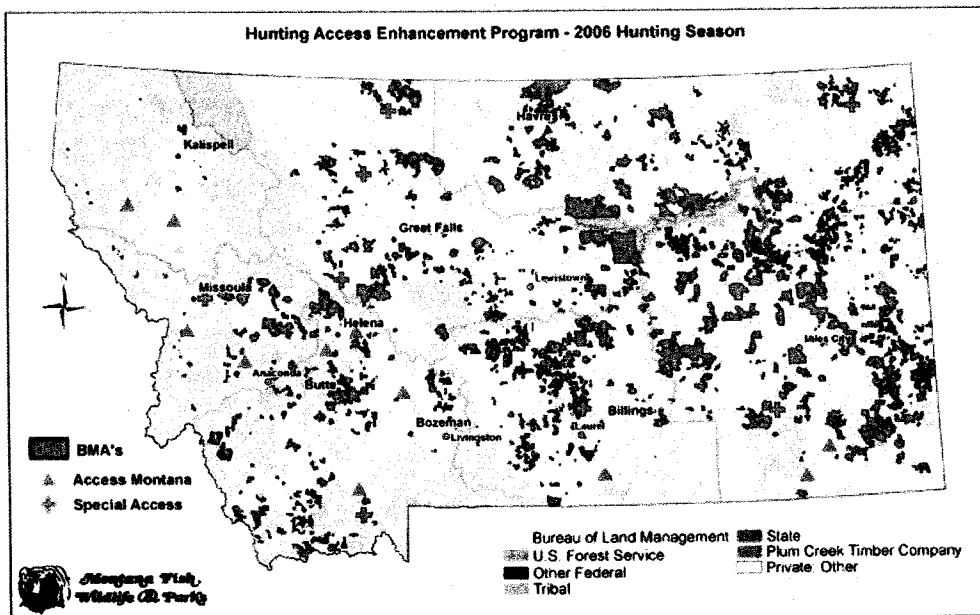
During the period December 2009 through December 2010, the Council met six times at various locations throughout the state. In September 2010, the Council presented one (1) Draft Recommendation, titled "Collaborative Solutions for Problematic Wildlife Concentrations," to the public for comment. Upon completion of a 45+ day public comment period, during which 27 individuals or organizations submitted formal comments, the Council met by on December 14, 2010, and decided **NOT TO ADOPT** a Final Recommendation, based upon indications from public comments that the Draft Recommendation needed more work before it might gain widespread support among the various affected constituents. (*Draft Recommendation – Addendum #1*)

While also during this time, Council members worked in two committees to a) examine FWP landowner incentive programs, and b) explore other options for funding FWP Hunting Access Enhancement Programs, no draft recommendations were developed for either of these issues.

During 2009-2010, a citizen's initiative, I-161, designed to abolish variable-priced outfitter-sponsored nonresident licenses and replace them with general nonresident big game combination licenses while also raising the price for all nonresident big game combination licenses, qualified for the 2010 ballot and subsequently received a majority of the vote. While the PL/PW Council did not take a formal position on I-161, the Council did post a paper on the PL/PW Council website, informing the public about facts related to the history of the variable-priced outfitter-sponsored licensed and potential impacts of I-161. (*I-161 & related information – Addendum #2*)

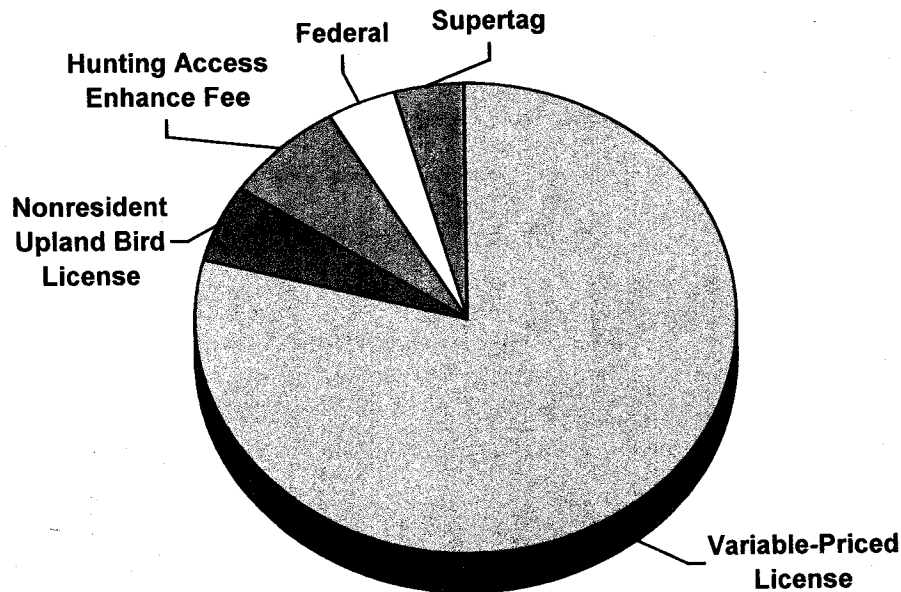


HUNTING ACCESS ENHANCEMENT PROGRAM REPORT



(Block Management, *Access Public Lands*, Special Access Projects)

HUNTING ACCESS ENHANCEMENT PROGRAM – FY10 REVENUE



Variable-Priced Outfitter-Sponsored Nonresident Big Game Combination Licenses

A portion of the revenue generated by the sale of variable-priced nonresident hunting licenses set aside for clients of licensed outfitters is used to fund the hunting-access programs. Prices are set at market rates to ensure an average annual sale of 5500 Big Game Combination Licenses and 2300 Deer Combination Licenses. The annual average sale is calculated over a 5-year period.

Nonresident Upland Game Bird License

Effective 2000 license year, nonresident upland game bird license fee increased to \$110, with \$55 earmarked hunting access enhancement programs.

Resident/Nonresident Hunting Access Enhancement Fee

Effective 2002 license year, hunting access enhancement fee created (\$2 resident/\$10 nonresident), with revenue earmarked for hunting access enhancement program.

Supertag

Effective 2006 license year, supertag created- lottery with unlimited chances (\$5 each) for Supertag – 5 Supertags – 1 each for elk, deer, moose, sheep, goat; 2007 – antelope, mountain lion, bison added to list of Supertag options;

Federal

PR excise tax dollars – amount varies annually;

Program Name

Hunting Access Enhancement Program

(includes Block Management, Access Public Land, and Special Access Projects)

Program Manager

Alan Charles, Coordinator, Landowner/Sportsman Relations

FY10 PROGRAM EXPENDITURES:

Landowner Contracts:	\$5,107,109*
Landowner/Hunter Services:	\$1,711,486
Enforcement (6 FTE):	\$530,138
<u>Administrative Overhead:</u>	<u>\$536,236</u>
TOTAL :	\$7,884,969

(* \$4,732,869 for 2009 hunting season contracts; remainder accrued for 2010 hunting season contracts)

Landowner Contract Payments: Under statutory authority (87-1-267 MCA), "Benefits will be provided to offset potential impacts associated with public hunting access, including but not limited to those associated with general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance." The current system, articulated in 12.4.206 ARM, provides for cooperators to receive a \$250 annual enrollment payment, and up to \$11* per hunter day in annual impact payments, with optional 5% additional weed management payment. Total annual payment may not exceed \$12,000. ***Beginning with the 2009 hunting season, FWP increased the hunter day payment from \$10/HD to \$11/HD, resulting in an average increase of 9% per landowner payment.**

Landowner/Hunter Services:

- Approximately 45 seasonal BMA technicians are hired each hunting season to help set up, sign, patrol, and dismantle BMAs;
- Regional program coordinators negotiate contracts, produce informational materials, supervise seasonal staff, and respond to the needs of hunters and landowners.
- Program materials such as signs, sign-in boxes, rosters, permission slips, maps, and tabloids, and personal services and benefits for program staff are funded through program operations budgets. For the 2007 hunting season, nearly 150,000 maps, 34,000 regional BMA tabloids, and over 25,000 BMA signs were printed and distributed.
- Included in this category are expenditures for *Access Public Lands* projects (public land access) and Special Access projects (local projects focused on a specific species).

Enforcement (6 FTE):

A total of 6 full-time warden positions are funded through Hunting Access Enhancement Program sources. This 6 FTE is allocated statewide to game wardens who patrol BMAs for hunter compliance of landowner and FWP rules. Game wardens also assist with BMA contract negotiations, delivery of BMA materials, and landowner/FWP contacts.

Administrative Overhead

All FWP programs are assessed an administrative overhead charge, which is used to pay for various indirect costs associated with support functions primarily performed by staff in the Administration & Finance and Department Management divisions. Examples of such support functions include accounting, budgeting, property, personnel, administrative support, and data processing services. Administrative overhead charges are assessed on accounts based upon a percentage of overall expenditures.

Weed Management Payments: SB 326 (effective March 1, 2000) authorized FWP to offer up to 5% in additional incentive payments to Block Management Cooperators who agree to use those payments for specific weed management activities on their lands. For FY10, a total of \$200,189 was paid specifically for use in weed management activities on BMAs. In past years, of landowners who elected to receive weed management payments:

- 34% indicated their intent to hire contractors for weed management measures;
- 86% indicated their intent to purchase herbicide or other chemicals;
- 6% indicated their intent to donate the payment to a county weed board;
- 3% indicated their intent to lease or rent livestock for weed control;
- 4% indicated their intent to implement some type of weed education;

*Some landowners indicated they intended to use the payment for multiple uses.

ENROLLMENT STATUS

Potential new cooperators are identified through various means, including individuals contacting FWP formally and asking to be placed on a waiting list for future enrollment consideration, individuals contacting FWP field staff and discussing possible future enrollment in the program, and FWP identifying potential candidates in high-priority areas or offering high-priority hunting opportunities and making initial contacts to identify potential interest in future enrollment. At the end of the 2009 hunting season, regional program coordinators reported 0 potential new cooperators could not be enrolled due to lack of funding.